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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-73

DONNA LEE KILLINS, a.k.a.
DONNA LEE CLAIRMONT, a.k.a.
DARCY LEE WERSH
306 Venus Court
Nipomo, CA 93444

ACCUSATION

Registered Nurse License No. 455936

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

2. On or about August 31, 1990, the Board issued Registered Nurse License No. 455936 to Donna Lee Killins a.k.a. Donna Lee Clairmont a.k.a. Darcy Lee Wersh (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein, and will expire on May 31, 2008, unless renewed.

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1 7. Section 2762 of the Code states:

2 “In addition to other acts constituting unprofessional conduct within the meaning
3 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
4 under this chapter to do any of the following:

5 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a
6 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
7 or administer to another, any controlled substance as defined in Division 10 (commencing with
8 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
9 defined in Section 4022.

10 (b) Use any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
12 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
13 injurious to himself or herself, any other person, or the public or to the extent that such use
14 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
15 license.”

16 8. Section 490 of the Code states:

17 “A board may suspend or revoke a license on the ground that the licensee has
18 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
19 duties of the business or profession for which the license was issued. A conviction within the
20 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
21 contendere. Any action which a board is permitted to take following the establishment of a
22 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
23 been affirmed on appeal, or when an order granting probation is made suspending the imposition
24 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
25 Penal Code.”

26 9. California Code of Regulations, title 16, section 1444, states:

27 “A conviction or act shall be considered to be substantially related to the
28 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the

1 present or potential unfitness of a registered nurse to practice in a manner consistent with the
2 public health, safety, or welfare.”

3 10. Health and Safety Code section 11173 states:

4 “(a) No person shall obtain or attempt to obtain controlled substances, or procure
5 or attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
6 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.”

7 11. Section 125.3 of the Code provides, in pertinent part, that the Board may
8 request the administrative law judge to direct a licentiate found to have committed a violation or
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
10 and enforcement of the case.

11 12. CONTROLLED SUBSTANCE

12 A. Norco, brand name for hydrocodone/acetaminophen, is a Schedule III
13 controlled substance as defined in Health and Safety Code section 11056(e)(4) and is categorized
14 as a dangerous drug pursuant to section 4022 of the Code

15 FIRST CAUSE FOR DISCIPLINE

16 (Convictions of Substantially Related Crimes)

17 13. Respondent is subject to disciplinary action under sections 2761,
18 subdivisions (a) and (f), and 490 of the Code as defined in California Code of Regulations, title
19 16, section 1444 in that she was convicted of crimes substantially related to the qualifications,
20 functions, and duties of a registered nurse. The circumstances are as follows:

21 a. On or about August 12, 2003, Respondent was convicted by the Court on a
22 plea of nolo contendere to one count of violating Penal Code section 666, a felony (petty theft
23 with priors), in the Superior Court for the County of Santa Barbara, Figueroa Division, Case No.
24 1100642, entitled *The People of the State of California v. Darcy Lee Wersh, a.k.a. Donna Lee*
25 *Clairmont, a.k.a. Donna Le Killins*.

26 The circumstances surrounding the conviction are that on or about November 14,
27 2002, while in a craft store, Respondent removed several containers of small beads and placed

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1 them in her purse. When questioned by the store clerk, Respondent denied having any store
2 items in her purse. Respondent then fled the store without paying for the items.

3 b. On or about March 1, 2002, Respondent was convicted by the Court on a
4 plea of guilty to one count of violating Business and Professions Code section 4323, a
5 misdemeanor (falsely representing herself to be a physician), in the Superior Court for the
6 County of Santa Barbara, Figueroa Division, Case No. 1074004, entitled *The People of the State*
7 *of California v. Darcy Lee Wersh, a.k.a. Donna Lee Clairmont, a.k.a. Donna Le Killins*.

8 The circumstances surrounding the conviction are that on or about November 20,
9 2001, Respondent obtained a prescription pad from a physician and submitted a forged
10 prescription for Norco to a pharmacy.

11 c. On or about February 7, 2001, Respondent was convicted by the Court on
12 a plea of nolo contendere to two counts of violating Penal Code section 496(a), a misdemeanor,
13 (received stolen property), and one count of violating Penal Code section 487(a), a misdemeanor,
14 (grand theft of personal property), in the Superior Court for the County of Santa Barbara,
15 Figueroa Division, Case No. 1011047, entitled *The People of the State of California v. Donna*
16 *Lee Killins a.k.a. Darcy Lee Wersh, Donna Lee Clairmont, a.k.a. Donna Lee Vanderspees*.

17 The circumstances surrounding the conviction are that in and between November
18 10, 1999 and December 23, 1999, Respondent was in possession of stolen property, consisting of
19 two Motorola police radios and accessories from the Santa Barbara Women's honor farm.
20 Additionally, on or about March 30, 2000, Respondent stole pet products from All About Pets,
21 with a total value of \$145.86.

22 d. On or about February 7, 2001, Respondent was convicted by the Court on
23 a plea of nolo contendere to one count of violating Penal Code section 666, a misdemeanor (petty
24 theft with prior(s)), in the Superior Court for the County of Santa Barbara, Figueroa Division,
25 Case No. 1014923, entitled *The People of the State of California v. Darcy Lee Wersh, a.k.a.*
26 *Donna Lee Clairmont, a.k.a. Donna Lee Killins*.

27 The circumstances surrounding the conviction are that on or about August 30,
28 2000, Respondent entered the Lazy Acres grocery store. Respondent was observed placing two

1 boxes of Body Lind sport deodorant in her shoulder bag and then exit the store without paying
2 for the merchandise. Respondent was later arrested by the Santa Barbara police.

3 e. On or about September 27, 1999, Respondent was convicted by the Court
4 on a plea of guilty to one count of violating Penal Code section 484(a), a misdemeanor, (petty
5 theft), in the Ventura County Municipal Court, State of California, Case No. 99C000524, entitled
6 *The People of the State of California v. Donna Lee Killins a.k.a. Donna Lee Clairmont a.k.a.*
7 *Darcy Lee Wersh.*

8 The circumstances surrounding the conviction are that on or about December 19,
9 1998, Respondent stole personal property from Lenox.

10 f. On or about March 9, 1999, Respondent was found guilty by the Court for
11 violating Vehicle Code section 14601.2(a), a misdemeanor, (driving a vehicle while driving
12 privilege was suspended) in the Superior Court of the State of California, County of Ventura,
13 Case No. 99M024079, entitled *The People of the State of California v. Donna Lee Killins.*

14 The circumstances surrounding the conviction are that on or about February 9,
15 1999 Respondent was driving a vehicle while her driver's license was under suspension.

16 g. On or about July 20, 1998, Respondent was convicted by the Court on a
17 plea of guilty to one count of violating Penal Code section 647(f), a misdemeanor (under the
18 influence of intoxicating liquor in a public place), in the Ventura County Municipal Court, State
19 of California, Case No. 98C006190, entitled *The People of the State of California v. Donna Le*
20 *Clairmont, a.k.a. Donna Lee Killins, a.k.a. Darcy Wersh.*

21 The circumstances surrounding the conviction are that on or about June 19, 1998,
22 Respondent was intoxicated in a public place.

23 h. On or about April 8, 1998, Respondent was convicted by the Court on a
24 plea of nolo contendere to one count of violating Vehicle Code section 23152(a), a misdemeanor
25 (driving under the influence of alcohol and/or drugs), in the Superior Court of the State of
26 California, County of Ventura, Case No. 98S000177, entitled *The People of the State of*
27 *California v. Donna Lee Killins, a.k.a. Donna Lee Clairmont, a.k.a. Donna Lee Wersh.*

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1 The circumstances surrounding the conviction are that on or about January 3,
2 1997, Respondent was driving a vehicle while under the influence of alcohol and/or drugs.

3 SECOND CAUSE FOR DISCIPLINE

4 (Possession of a Controlled Substance)

5 14. Respondent's license is subject to disciplinary action under section 2761,
6 subdivision (a), on the grounds of unprofessional conduct, as defined in section 2762,
7 subdivision (a), for violating Health and Safety Code section 11173, subdivision (a), in that
8 Respondent was in possession of a controlled substance. The circumstances are as follows:

9 On or about March 30, 2003, Santa Barbara Police Officers responded to a call to
10 check the welfare of an individual in a parked vehicle. Police officers approached the vehicle
11 and made contact with Respondent. During questioning, Respondent allowed the police officers
12 to conduct a search of her vehicle. The search resulted in discovering a pill bottle containing
13 eight (8) Norco tablets, prescribed to another individual.

14 THIRD CAUSE FOR DISCIPLINE

15 (Administer Alcohol in a Manner Dangerous to Herself)

16 15. Respondent's license is subject to disciplinary action under section 2761,
17 subdivision (a), on the grounds of unprofessional conduct, as defined in section 2762,
18 subdivision (b), in that Respondent consumed alcoholic beverages to an extent or in a manner
19 dangerous or injurious to herself, any other person, or the public, as more fully set forth in
20 paragraph 13, subparagraph (g) and (h), above.

21 PRIOR CONVICTIONS

22 16. To determine the degree of discipline to be imposed on Respondent, if
23 any, Complainant makes the following allegations:

24 a. On or about January 27, 1997, Respondent was convicted by the Court for
25 violating Penal Code section 1320(a) and Penal Code section 602(j) in the Superior Court,
26 County of Ventura, Case No. 96C002599.

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b. On or about December 13, 1996, Respondent was convicted by the Court for violating Vehicle Code section 23152(b), in the Superior Court, County of Ventura, Case No. 96S000121.

c. On or about August 22, 1990, Respondent was convicted by the Court for violating Penal Code section 484, in the Superior Court, County of Ventura, Case No. 90C010096.

PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 455936, issued to Donna Lee Killins, a.k.a. Donna Lee Clairmont, a.k.a. Darcy Lee Werch.

2. Ordering Donna Lee Killins to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 9/22/06


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant